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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Final report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

## Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly, pursuant to General Assembly resolution 60/232, the final report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities on its eighth session.

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# Final report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities on its eighth session

1. The present report complements the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities on its eighth session (A/AC.256/2006/4 and Add.1). During that session, at its 20th meeting, on 25 August 2006, the Committee had adopted the draft Convention on the Rights of Persons with Disabilities, including a draft Optional Protocol, as a whole, without a vote.[1]

2. At the same meeting, the Committee had decided to establish an open-ended drafting group tasked with ensuring the uniformity of terminology throughout the draft Convention and draft Optional Protocol; harmonizing the versions in the six official languages of the United Nations; and reporting on the results of its work to the Committee at a resumed eighth session to be held in time to enable the Committee to forward the finalized draft Convention and draft Optional Protocol to the General Assembly before the end of its sixty-first session. The Committee had requested the Secretary-General to provide adequate secretariat services to the drafting group, within existing resources.

3. At its 21st meeting, on 5 December 2006, the Committee heard an oral report by the Chairman of the open-ended drafting group, Stefan Barriga (Liechtenstein), on the results of its work. The drafting group had held nine meetings, from 6 September to 17 November 2006. At its ninth meeting, on 17 November, the drafting group had decided to forward to the Committee the results of its work as reflected in the annex to the present report.

4. At its 22nd meeting, on 5 December 2006, the Committee decided to delete the footnote to article 12 of the draft Convention.

5. At the same meeting, the representative of Iraq, in his capacity as Chair of the Arab Group for the month of December 2006 (on behalf of Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen), read out a letter dated 5 December 2006 addressed to the Chairman of the Committee (A/AC.265/2006/5). The representative of Finland, in his capacity as Chair of the European Union (on behalf of the States Members of the United Nations that are members of the European Union as well as Andorra, Armenia, Australia, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Iceland, Israel, Moldova, Monaco, Norway, Romania, San Marino, Serbia, Switzerland, the former Yugoslav Republic of Macedonia and United States), read out a letter dated 5 December 2006 addressed to the Chairman of the Committee (A/AC.265/2006/6).

[1] The Committee had adopted preambular paragraph (s) bis of the draft Convention by a recorded vote of 102 to 5 with 8 abstentions (see A/AC.256/2006/4); the paragraph was subsequently renumbered by the drafting group to become preambular paragraph (u) of the draft Convention.

6. Also at the same meeting, the Secretary of the Committee read out a statement by the Secretary-General concerning the financial implications of draft resolution A/AC.265/2006/L.8/Rev.1.

7. At the same meeting, the Committee decided to recommend to the General Assembly for adoption a draft resolution entitled "Convention on the Rights of Persons with Disabilities", containing the draft Convention and draft Optional Protocol (see annex).

# Annex

## Draft resolution
## Convention on the Rights of Persons with Disabilities

*The General Assembly*,

*Recalling* its resolution 56/168 of 19 December 2001, by which it decided to establish an Ad Hoc Committee, open to the participation of all Member States and observers to the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development,

*Recalling also* its previous relevant resolutions, the most recent of which was resolution 60/232 of 23 December 2005, as well as relevant resolutions of the Commission for Social Development and the Commission on Human Rights,

*Welcoming* the valuable contributions made by intergovernmental and non-governmental organizations and national human rights institutions to the work of the Ad Hoc Committee,

1. *Expresses its appreciation* to the Ad Hoc Committee for having concluded the elaboration of the draft Convention on the Rights of Persons with Disabilities and the draft Optional Protocol to the Convention;

2. *Adopts* the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention annexed to the present resolution, which shall be open for signature at United Nations Headquarters in New York as from 30 March 2007;

3. *Calls upon* Member States to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority, and expresses the hope that they will enter into force at an early date;

4. *Requests* the Secretary-General to provide the staff and facilities necessary for the effective performance of the functions of the Conference of States Parties and the Committee under the Convention and the Optional Protocol after the entry into force of the Convention, as well as for the dissemination of information on the Convention and the Optional Protocol;

5. *Also requests* the Secretary-General to implement progressively standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, in particular when undertaking renovations;

6. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to undertake efforts to disseminate information on the Convention and the Optional Protocol and to promote their understanding;

7. *Requests* the Secretary-General to submit to the General Assembly at its sixty-second session a report on the status of the Convention and the Optional

Protocol and the implementation of the present resolution, under a sub-item entitled "Convention on the Rights of Persons with Disabilities".

## Annex I
## Convention on the Rights of Persons with Disabilities

### Preamble

*The States Parties to the present Convention,*

(a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) *Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,

(f) *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(g) *Emphasizing* the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(h) *Recognizing also* that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) *Recognizing further* the diversity of persons with disabilities,

(j) *Recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,

(w) *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(x) *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

(y) *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

*Have agreed as follows*:

**Article 1**
**Purpose**

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

**Article 2**
**Definitions**

For the purposes of the present Convention:

"Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

"Language" includes spoken and signed languages and other forms of non-spoken languages;

"Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in

a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

**Article 3**
**General principles**

The principles of the present Convention shall be:

(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) Non-discrimination;

(c) Full and effective participation and inclusion in society;

(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) Equality of opportunity;

(f) Accessibility;

(g) Equality between men and women;

(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

**Article 4**
**General obligations**

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

(c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

(f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

**Article 5**
**Equality and non-discrimination**

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

**Article 6**
**Women with disabilities**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

**Article 7**
**Children with disabilities**

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

**Article 8**
**Awareness-raising**

1. States Parties undertake to adopt immediate, effective and appropriate measures:

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

**Article 9**
**Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

(a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) Provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

**Article 10**
**Right to life**

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

**Article 11**
**Situations of risk and humanitarian emergencies**

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

**Article 12**
**Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to

bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

**Article 13**
**Access to justice**

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

**Article 14**
**Liberty and security of the person**

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;

(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

**Article 15**
**Freedom from torture or cruel, inhuman or degrading treatment or punishment**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

**Article 16**
**Freedom from exploitation, violence and abuse**

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

**Article 17**
**Protecting the integrity of the person**

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

**Article 18**
**Liberty of movement and nationality**

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

**Article 19**
**Living independently and being included in the community**

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

**Article 20**
**Personal mobility**

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

**Article 21**
**Freedom of expression and opinion, and access to information**

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

**Article 22**
**Respect for privacy**

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

**Article 23**
**Respect for home and the family**

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities,

States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

**Article 24**
**Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

### Article 25
### Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;



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(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

**Article 26**
**Habilitation and rehabilitation**

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

**Article 27**
**Work and employment**

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

(j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

(k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

**Article 28**
**Adequate standard of living and social protection**

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes;

(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

**Article 29**
**Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

(a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

**Article 30**
**Participation in cultural life, recreation, leisure and sport**

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

(a) Enjoy access to cultural materials in accessible formats;

(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

(d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

**Article 31**
**Statistics and data collection**

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

**Article 32**
**International cooperation**

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

(a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

**Article 33**
**National implementation and monitoring**

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

**Article 34**
**Committee on the Rights of Persons with Disabilities**

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as "the Committee"), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

**Article 35**
**Reports by States Parties**

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

**Article 36**
**Consideration of reports**

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

**Article 37**
**Cooperation between States Parties and the Committee**

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.

2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

**Article 38**
**Relationship of the Committee with other bodies**

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

(a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

**Article 39**
**Report of the Committee**

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information

received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

**Article 40**
**Conference of States Parties**

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

**Article 41**
**Depositary**

The Secretary-General of the United Nations shall be the depositary of the present Convention.

**Article 42**
**Signature**

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

**Article 43**
**Consent to be bound**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

**Article 44**
**Regional integration organizations**

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.

3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

**Article 45**
**Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

**Article 46**
**Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.

**Article 47**
**Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

**Article 48**
**Denunciation**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

**Article 49**
**Accessible format**

The text of the present Convention shall be made available in accessible formats.

**Article 50**
**Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

*In witness thereof* the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

**Annex II**
**Optional Protocol to the Convention on the Rights of Persons with Disabilities**

*The States Parties to the present Protocol have agreed as follows:*

**Article 1**

1. A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Rights of Persons with Disabilities ("the Committee") to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.

2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

**Article 2**

The Committee shall consider a communication inadmissible when:

(a) The communication is anonymous;

(b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;

(c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

(d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;

(e) It is manifestly ill-founded or not sufficiently substantiated; or when

(f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

**Article 3**

Subject to the provisions of article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

**Article 4**

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

**Article 5**

The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

**Article 6**

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

**Article 7**

1. The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in article 6.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

**Article 8**

Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

**Article 9**

The Secretary-General of the United Nations shall be the depositary of the present Protocol.

**Article 10**

The present Protocol shall be open for signature by signatory States and regional integration organizations of the Convention at United Nations Headquarters in New York as of 30 March 2007.

**Article 11**

The present Protocol shall be subject to ratification by signatory States of this Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of this Protocol which have formally confirmed or acceded to the Convention. It shall be open for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.

**Article 12**

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and this Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and this Protocol. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to "States Parties" in the present Protocol shall apply to such organizations within the limits of their competence.

3. For the purposes of article 13, paragraph 1, and article 15, paragraph 2, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the meeting of States Parties, with a number of votes

equal to the number of their member States that are Parties to this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

**Article 13**

1. Subject to the entry into force of the Convention, the present Protocol shall enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the Protocol after the deposit of the tenth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

**Article 14**

1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted.

2. Reservations may be withdrawn at any time.

**Article 15**

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

**Article 16**

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

**Article 17**

The text of the present Protocol shall be made available in accessible formats.

**Article 18**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Protocol shall be equally authentic.

*In witness thereof* the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

United Nations A/61/612

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**Programme budget for the biennium 2006-2007**

# Conditions of service and compensation for officials other than Secretariat officials

**Members of the International Court of Justice**

**Judges of the International Criminal Tribunal for the Former Yugoslavia**

**Judges of the International Criminal Tribunal for Rwanda**

**Ad litem judges of the International Criminal Tribunal for the Former Yugoslavia**

**Ad litem judges of the International Criminal Tribunal for Rwanda**

**Report of the Advisory Committee on Administrative and Budgetary Questions**

## I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the conditions of service and compensation for the members of the International Court of Justice (ICJ), the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY), the judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (ICTR) and the ad litem judges of ICTY and ICTR (A/61/554). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification. The Committee also had an exchange of

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views on this matter with the Registrar, the Chief Administrative Officer of the International Tribunal for the Former Yugoslavia and the Deputy Prosecutor of the International Criminal Tribunal for Rwanda.

2. The report of the Secretary-General is submitted pursuant to the decision of the General Assembly to review the conditions of service and remuneration of the members of ICJ, the judges and the ad litem judges of ICTY and ICTR at its sixty-first session (General Assembly resolution 59/282, sect. III). In that resolution, the Assembly requested the Secretary-General to submit a comprehensive report including proposals for a mechanism of remuneration based on market exchange rates and local retail price fluctuations that limits the divergence of such remuneration from that of comparable positions of seniority within the United Nations system, on the protection of pensions in payment to former judges and their survivors and on the differences between the pension benefits of the judges of ICTY and ICTR, on the one hand, and the members of the ICJ, on the other.

3. The report of the Secretary-General provides background and evolution of remuneration (paras. 3-26), other conditions of service (paras. 27-45) and retirement benefits (paras. 46-75) of the members of ICJ, as well as of the judges and the ad litem judges of ICTY and ICTR. In section IV of the report, the Secretary-General provides an analysis and makes recommendations in respect of remuneration, including adjustments for currency fluctuations and cost of living (paras. 76-84), other conditions of service, including pensions (paras. 85-134), and the timing of the next comprehensive review (para. 136). This section also contains technical explanations on the post-adjustment system, the floor-ceiling mechanism and the pension adjustment system (paras. 100-125). The financial implications for the 2006-2007 programme budget, should the General Assembly approve the proposals contained in the report, are provided in paragraph 135.

## Remuneration

4. In accordance with the terms of General Assembly resolution 48/252 A, the system of floor-ceiling exchange rates, introduced by the International Civil Service Commission (ICSC) in 1987, is applied to the salaries of the members of ICJ in order to protect their emoluments against a weakening or strengthening of the United States dollar. Under this system, floor/ceiling rates are set at 4 per cent below and 4 per cent above the average exchange rate of the previous year. This system continues to be applied to the salaries of the members of ICJ and judges of ICTY and ICTR, serving in The Hague, which are converted to euros (previously Netherlands guilders). The Committee notes that the salaries of the judges of ICTR serving in Arusha are expressed in United States dollars; a floor/ceiling correction is therefore not required. A table of the monthly salaries of the judges serving in The Hague and Arusha is provided in the annex to the present report. In this connection, the Advisory Committee received additional information from the President of ICTR on the impact of the fluctuations of the United States dollar on purchasing power in Arusha.

5. In the previous report submitted by the Secretary-General to the General Assembly for its comprehensive review (A/C.5/59/2), the Secretary-General proposed to increase the annual salary to $177,000, a 10.6 per cent increase, taking into account a diminution of 4.35 per cent in real value of the salaries of judges

owing to the increase in the cost of living in the Netherlands and a 6.3 per cent increase in the salary scale approved by the General Assembly (General Assembly resolutions 57/285 and 58/266). The Advisory Committee had recommended acceptance of the proposal of the Secretary-General (A/59/557). However, the Committee had also pointed to a number of uncertainties with regard to the current system, given that the cost of living did not fluctuate evenly at all places where the judges of the International Court of Justice and the Tribunals sit. It had recommended that the Secretary-General be requested to make proposals for the future, which would take this factor into account. In section III, paragraph 8, of its resolution 59/282, the General Assembly requested the Secretary-General to submit a comprehensive report at its sixty-first session, including proposals for a mechanism of remuneration based on market exchange rates and local retail price fluctuations that would limit the divergence of such remuneration from that of comparable positions of seniority within the United Nations system. Pending its decision on the report requested, as an interim measure, the Assembly decided to increase the annual salary of the members of the Court and the judges and ad litem judges of the Tribunals by 6.3 per cent, to $170,080, with retroactive effect from 1 January 2005.

6. In the report under consideration (A/61/554, paras. 80-84), the Secretary-General proposed that Member States consider introducing a post adjustment mechanism similar to that applied to the salaries of Professional and higher categories. Under this system, the net remuneration is composed of a net base salary and a post adjustment amount, calculated on the basis of the post adjustment multiplier. Additional explanations on the post adjustment and floor-ceiling mechanisms are provided in paragraphs 100 to 116 of the report of the Secretary-General (A/61/554).

7. The Secretary-General indicates that the post adjustment multiplier as of September 2006 is 50.2 for the Netherlands and 38.6 for the United Republic of Tanzania. He proposes to use the current remuneration of the judges, which amounts to $170,080, as the net base salary, which would result in the following remuneration levels:

(United States dollars)

| | *Judges serving in* | |
|---|---|---|
| | *The Hague* | *Arusha* |
| Annual net base salary | 170 080 | 170 080 |
| Post adjustment multiplier | 50.2 | 38.6 |
| Post adjustment amount | 85 380 | 65 651 |
| Proposed annual remuneration | 255 460 | 235 731 |
| Per cent increase | 14.9% | 38.6% |
| Proposed monthly remuneration | 21 288 | 19 644 |
| Current remuneration as of November 2006 | 18 523 | 14 173 |
| Monthly difference | 2 765 | 5 471 |

8. As shown in the table above, the proposals of the Secretary-General outlined in paragraphs 81 and 82 of his report (A/61/554) would lead to a net increase in

remuneration of some 14 and 33 per cent for judges serving in The Hague and in Arusha, respectively. **In the opinion of the Committee, the proposal of the Secretary-General, which uses the current net remuneration as the base salary, unduly inflates the remuneration calculated under a post adjustment system. It points out that the current net remuneration already includes a cost-of-living component (see para. 6 above; and A/45/7/Add.10).**

9. The Committee notes also that the base salary scale against which staff in the Professional and higher categories are paid is revised by ICSC from time to time, through the consolidation of post adjustment multiplier points into the base scale with a corresponding readjustment in the post adjustment multipliers on a no loss/no gain basis. **The Committee points out that what is proposed for the judges is different; a net increase is envisaged. It is up to the General Assembly to decide whether an increase should be provided, but the consolidation of points from post adjustment to base salary for staff, which is on a no loss/no gain basis, is not relevant to a proposal whereby an increase would result. The Committee points out further that the salaries of the members of ICJ, which is the principal judicial organ of the United Nations, are sui generis, and that the system of emoluments and conditions of service applicable to the members of the Court is distinct from that of any other in the United Nations system. The conditions of service of the members of the Court are to be determined by the General Assembly, in accordance with article 32 of the Statute of the International Court of Justice, and of the judges of the Tribunals, by their statutes (see art. 13 of the statute of ICTY and art. 12, para. 5, of the statute of ICTR).** In this connection the Committee recalls its observations on this subject in its report A/45/7/Add.10 (para. 12).

10. **In view of the above, the Committee recommends elaboration of alternative methods for adjusting remuneration according to market exchange rates and movement of the local cost-of-living index, with a view towards protecting the level of the remuneration, as requested by the General Assembly. The new proposals should be presented to the General Assembly at its sixty-second session.**

## Other conditions of service

### Education costs

11. The Secretary-General proposes to extend to the members of the Court and the judges of the Tribunals any increases to the level of the education grant (including that for disabled children) applicable to staff in the Professional and higher categories, recommended by ICSC in its report for the year 2006[1] that would be approved by the General Assembly. **While the Committee has no objection in principle to increasing the level of education grant for the members of the Court and judges, for the reasons given in paragraph 9 above, it is of the view that all conditions of service should be considered together as part of the periodic review carried out by the General Assembly and not linked to any developments with regard to staff.**

[1] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 30* (A/61/30), para. 62.

*Special allowance*

12. The Committee notes the view of the Secretary-General that consideration should be given to increasing the special allowance of the President of the Court from $15,000 to $20,000, which would represent an increase of some 30 per cent over the current level of the allowance. A commensurate increase in the allowance of the Vice-President when acting as President would result in the daily subsistence allowance of the Vice-President being increased from $94 per day to $125 per day, subject to a maximum of $12,500 per year (paras. 85-86). The Committee notes that this increase is requested in order to bring the rate of the special allowance of the President and Vice-President up to the 10-per cent level applied at ICJ.

13. **The Committee is not convinced by the argument put forward to increase the level of the special allowance for the President and for the Vice-President when acting as President; additional resource requirements should be justified on the basis of real needs and expenditure patterns. Accordingly, it recommends against the proposal.**

*Travel and subsistence*

14. The Committee notes that the travel and subsistence regulations approved by the General Assembly in its resolution 37/240 of 21 December 1982 (art. 1, para. 2) provide for first class accommodation for ICJ judges. The Committee points out that in the period since that resolution was adopted, standards of accommodation have evolved considerably. First class air travel is now restricted to a limited number of cases, and most senior officials are authorized travel at "the class immediately below first class" (ST/AI/2000/20). This change has occurred at the same time that market offers for business class travel have increased, and even replaced, in some cases, first class travel.

15. **In the light of this trend, the Committee is of the opinion that the travel and subsistence regulations approved for ICJ by the General Assembly in 1982 should be reviewed and updated in line with the current standards of the Organization.**

**Pensions**

16. In his previous report (A/C.5/59/2), the Secretary-General indicated that consideration should be given to applying a floor/ceiling mechanism to pensions in payment to former judges and their survivors residing in the euro zone countries to protect the level of their pensions. However, the Committee was of the opinion that the approach proposed would be too narrow, taking into account that the Registrar of the Court, in the letter addressed to the Secretariat in April 2004, had indicated the drastic deterioration in value that often results "both in Europe and other non-United States dollar zones" (see A/C.5/59/2, para. 44). Accordingly, the Committee recommended further elaboration on this proposal, including consideration of other options that could protect the pensions in payment to former judges and their survivors. The Committee also suggested that the Secretariat should avail itself of the experience of ICSC in applying floor/ceiling arrangements to salaries and requested that the results of such a review be presented to the General Assembly at its resumed fifty-ninth session (see A/59/557, paras. 10-11). That report was not submitted at that time, but was included in the subsequent report (A/61/554).

17. In section III of its resolution 59/282, the Assembly requested the Secretary-General to submit a comprehensive report on the protection of pensions in payment to former judges and their survivors as well as on the differences between the pension benefits of the judges of ICTY and ICTR, on the one hand, and the members of ICJ, on the other. Matters related to retirement benefits are discussed in paragraphs 93 to 134 of the report of the Secretary-General.

18. With respect to the protection of the level of pensions in payment, the Secretary-General indicates in paragraphs 129 to 134 that, following his review of the currency protection mechanisms used by ICSC (floor/ceiling) and the United Nations Joint Staff Pension Fund (two-track system), he had concluded that their inherent complexity rendered them unsuitable for the administration of the small number of pensions and survivor benefits being administered, currently a total of 50. Instead of the floor/ceiling mechanism initially envisaged, he proposes to apply a 36-month average exchange rate. Under this procedure, retirees and survivors residing in non-United States dollar countries would be given the option to request, on an annual basis at six-month intervals, conversion of their monthly pension benefit into another currency using the latest available 36-month average exchange rate established by the Pension Fund. He indicates that, while this option offers minimal protection against the continued weakness of the United States dollar, the application of a 36-month average exchange rate would result in stabilizing the operational rate of exchange and would constitute an improvement over the present system.

19. **The Committee fully understands the need for simplified procedures for administering a small number of cases. At the same time, care should be taken to adopt procedures that are sustainable and do not require frequent revision. The Committee recommends that the method proposed be adopted, on the understanding that retirees and survivors would be given a one-time option to request conversion of their pension into another currency, rather than on an annual basis (see A/61/554, para. 131).**

20. Concerning retirement benefits, the Committee notes that the retirement pension for the members of ICJ is at half the base annual salary, exclusive of allowances, for a full nine-year term, with a proportional reduction for a judge who has not completed a full term. There is no increase in pension benefit for re-elected judges. Furthermore, the pension scheme is non-contributory. As for the judges of ICTY and ICTR, the benefit is based on that applicable to the members of ICJ and is also non-contributory; it is prorated to account for the difference in length in the terms of appointment; namely, nine years for the members of ICJ and four years for the judges of the two Tribunals, who are elected for a term of four years and may be re-elected. For an annual salary of $170,080, the pension benefit of the members of ICJ having served a full nine-year term would be $85,040. However, in the case of the judges of ICTY and ICTR the benefit is capped at $37,796 if the judge has served for a full four-year term, and will not be increased even if the judge is re-elected.

21. In paragraph 96 of the report, the Secretary-General indicates that he "shares the concerns expressed by two Tribunals that the existing disparity between the pension benefits of the judges of the Tribunals and of the judges of the ICJ results in a discrimination against the judges of the Tribunals not warranted by the ICTY or the ICTR statute". This disparity is addressed in annex IV and annex V of the report

of the Secretary-General, which contain letters from the Presidents and Registrars of ICTY and ICTR to the Secretary-General on this subject.

22. In paragraph 95, the President and the Registrar of ICTY, as well as the President and the Registrar of ICTR, propose that annex II to General Assembly resolution 58/264 be amended to determine the pension benefit on the basis of actual years of service of the judges of ICTY and ICTR.

23. **The question of the retirement benefits of the members of ICJ and of the judges of ICTY and ICTR is one of long standing. The Committee believes that the pension benefits of the judges of ICTY and ICTR should be decided by the General Assembly.**

# Annex

## Monthly salary of judges serving in The Hague and in Arusha

| *Year* | *Month* | *Salary of judges serving in Arusha, United States dollars* | *Salary of judges serving in The Hague, euros* | *United States dollar equivalent of salary paid in The Hague* |
|---|---|---|---|---|
| **2004** | January | 13 333 | 13 696 | 17 099 |
| | February | 13 333 | 13 696 | 17 035 |
| | March | 13 333 | 13 696 | 17 035 |
| | April | 13 333 | 13 696 | 16 702 |
| | May | 13 333 | 13 696 | 16 227 |
| | June | 13 333 | 13 696 | 16 784 |
| | July | 13 333 | 13 696 | 16 682 |
| | August | 13 333 | 13 696 | 16 481 |
| | September | 13 333 | 13 696 | 16 481 |
| | October | 13 333 | 13 696 | 16 867 |
| | November | 13 333 | 13 696 | 17 425 |
| | December | 13 333 | 13 696 | 18 164 |
| | **Total 2004** | **160 000** | **164 352** | **202 984** |
| **2005** | January | 14 173 | 14 559 | 19 754 |
| | February | 14 173 | 14 559 | 19 031 |
| | March | 14 173 | 14 559 | 19 232 |
| | April | 14 173 | 14 559 | 18 883 |
| | May | 14 173 | 14 559 | 18 834 |
| | June | 14 173 | 14 559 | 17 541 |
| | July | 14 173 | 14 559 | 17 562 |
| | August | 14 173 | 14 559 | 17 604 |
| | September | 14 173 | 14 559 | 17 755 |
| | October | 14 173 | 14 559 | 17 499 |
| | November | 14 173 | 14 559 | 17 028 |
| | December | 14 173 | 14 559 | 17 128 |
| | **Total 2005** | **170 080** | **174 706** | **217 851** |
| **2006** | January | 14 173 | 14 559 | 17 229 |
| | February | 14 173 | 14 559 | 17 604 |
| | March | 14 173 | 14 559 | 17 250 |
| | April | 14 173 | 14 559 | 17 604 |
| | May | 14 173 | 14 559 | 18 569 |
| | June | 14 173 | 14 559 | 18 713 |
| | July | 14 173 | 14 559 | 18 259 |



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| *Year* | *Month* | *Salary of judges serving in Arusha, United States dollars* | *Salary of judges serving in The Hague, euros* | *United States dollar equivalent of salary paid in The Hague* |
|---|---|---|---|---|
| | August | 14 173 | 14 559 | 18 570 |
| | September | 14 173 | 14 559 | 18 665 |
| | October | 14 173 | 14 559 | 18 476 |
| | November | 14 173 | 14 559 | 18 523 |

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# Conditions of service and compensation for officials other than Secretariat officials

## Members of the International Court of Justice

## Judges of the International Tribunal for the Former Yugoslavia

## Judges of the International Criminal Tribunal for Rwanda

## Ad litem judges of the International Tribunal for the Former Yugoslavia

## Ad litem judges of the International Criminal Tribunal for Rwanda

## Report of the Advisory Committee on Administrative and Budgetary Questions

### Corrigendum

**Paragraph 8, first sentence**

*For* remuneration of some 14 and 33 per cent *read* remuneration of 14.9 and 38.6 per cent

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